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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

REUBEN ANTHONY GILL, JR.,

Defendant and Appellant.

F056831

(Super. Ct. No. F08904350)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Fresno County. Rosendo Pena, Judge.

James L. Lozenski, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

-ooOoo-

*Before Vartabedian, A.P.J., Levy, J., and Dawson, J.

On July 3, 2008, Fresno police officers approached appellant, Reuben Anthony Gill, Jr., in a liquor store parking lot. Gill looked down and moved his hand into his shorts through his zipper. After finding out that Gill was on parole, the officers were searching him when an off white rock of crack cocaine and a glass pipe fell from Gill's shorts. Gill told the officers that he was holding about \$30 worth of crack cocaine.

On July 7, 2008, the district attorney filed a complaint charging Gill with possession of cocaine base and five prior prison term enhancements.

On October 30, 2008, the court heard and denied Gill's *Marsden*¹ motion.

On November 20, 2008, the court heard and denied a second *Marsden* motion by Gill.

On December 2, 2008, Gill pled no contest to the possession offense and admitted the five prior prison term enhancements in exchange for a stipulated term of 16 months which would run concurrent to any term he received for his parole violation.

On December 31, 2008, the court struck the prior prison term enhancements and sentenced Gill to the mitigated term of 16 months.

Gill's appellate counsel has filed a brief which summarizes the facts, with citations to the record, raises no issues, and asks this court to independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436.) Gill has not responded to this court's invitation to submit additional briefing.

Following independent review of the record, we find that no other reasonably arguable factual or legal issues exist.

The judgment is affirmed.

¹ *People v. Marsden* (1970) 2 Cal.3d 118.